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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSUE GARCIA-RODRIGUEZ,

Defendant.

Case No.: 2:17-CR-190-JCM-GWF

**Stipulation to Continue
Revocation Hearing (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for Defendant JOSUE GARCIA-RODRIGUEZ, ("Garcia" or "defendant"), that the Court continue the revocation to a date and time convenient to the Court, but not earlier than August 3, 2020.

This stipulation is entered into for the following reasons:

1. A petition alleging that the defendant violated the conditions of his supervised release has been filed in this case. ECF No. 23. A revocation hearing is currently scheduled for May 15, 2020. ECF No. 25.

1 2. The defendant has been charged in a criminal complaint in case number 2:20-
2 mj-318-DJA with felony Deported Alien Found in the United States in violation of Title 8,
3 United States Code, Section 1326(a) and (b). At the parties' request, the preliminary hearing
4 on this complaint has been continued to August 3, 2020. ECF No. 11.

5 3. The United States Attorney's Office has developed an early disposition
6 program for immigration cases, authorized by the Attorney General pursuant to the
7 PROTECT ACT of 2003, Pub. L. 108-21.

8 4. The early disposition program for immigration cases is designed to: (1) reduce
9 the number of hearings required in order to dispose of a criminal case; (2) avoid having
10 more cases added to the court's trial calendar, while still discharging the government's duty
11 to prosecute federal crimes; (3) reduce the amount of time between complaint and
12 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
13 indictments in immigration cases, which in turn reduces court costs.

14 5. The government has made a global plea offer in this case that (1) requires
15 defendant to waive specific rights and hearings in exchange for "fast-track" downward
16 departure under USSG § 5K3.1 in case number 2:20-mj-318-DJA; and (2) requires
17 defendant to admit to violating the conditions of his supervised release. This offer will be
18 withdrawn if it is not timely accepted before a preliminary hearing is held in case number
19 2:20-mj-318-DJA.

20 6. Under Federal Rule of Criminal Procedure 32.1(b)(2), the Court should
21 conduct a revocation hearing "within a reasonable time" after the defendant has had his
22 initial appearance on a petition for supervised release violations. The parties agree that it is
23 reasonable to continue the revocation hearing until after August 3, 2020, to allow the parties
24

1 a chance to negotiate a global resolution to the new charge in case number 2:20-mj-318-
2 DJA, and the alleged supervised release violations herein.

3 7. Defendant is in custody and agrees with the requested continuance.

4 8. Defendant needs additional time to review the discovery and investigate
5 potential defenses to make an informed decision as to how to proceed, including whether to
6 accept the global plea agreement.

7 9. Accordingly, the parties jointly request that the Court schedule the revocation
8 hearing in this case to a date and time convenient to the Court, but not earlier than August
9 3, 2020.

10 10. This continuance supports the public interest in the prompt disposition of
11 criminal cases by permitting defendant to consider entering into a plea agreement under the
12 United States Attorney's Office's fast-track program for § 1326 defendants.

13 11. This is the first request to continue the revocation hearing.

14 DATED this 30th day of April, 2020.

15 Respectfully submitted,

16 NICHOLAS A. TRUTANICH
United States Attorney

17 /s/ Nisha Brooks-Whittington
18 NISHA BROOKS-WHITTINGTON
19 Assistant Federal Public Defender
Counsel for Defendant
20 Josue Garcia-Rodriguez

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

Plaintiff,

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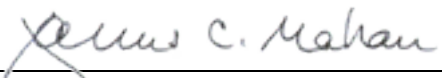
Case No.: 2:17-CR-190-JCM-GWF

**[Proposed] Order on Stipulation
Continue the Revocation Hearing**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served;

IT IS THEREFORE ORDERED that the Revocation Hearing currently scheduled on May 15, 2020 at the hour of 11:00 a.m., be vacated and continued to August 4, 2020 at the hour of 10:30 a.m.

DATED May 1, 2020.



HONORABLE JAMES C. MAHAN
UNITED STATES DISTRICT COURT JUDGE